

Message Text

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ACTION IO-14

INFO OCT-01 AF-10 EUR-12 ISO-00 SSO-00 NSCE-00 USIE-00
INRE-00 DHA-02 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
IOE-00 EB-07 TRSE-00 OMB-01 /086 W
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O 011650Z JUN 77
FM AMEMBASSY CAPE TOWN
TO SECSTATE WASHDC IMMEDIATE 6177
INFO AMEMBASSY BONN IMMEDIATE
AMEMBASSY DAR ES SALAAM
AMEMBASSY GABORONE
AMEMBASSY LAGOS
AMEMBASSY LONDON IMMEDIATE
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY PRETORIA
USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 2 CAPE TOWN 0888

E.O. 11652: GDS
TAGS: PFOR SF WA
SUBJ: NAMIBIA: IDEAS ON ILLUSTRATIVE TRANSITIONAL
ARRANGEMENTS

REF: USUN 1705

1. AMBASSADORS OF THE FIVE COUNTRIES MET TWICE TODAY
(JUL 1) TO PREPARE IDEAS ON ILLUSTRATIVE TRANSITIONAL
ARRANGEMENTS REQUESTED BY CONTACT GROUP IN REFTEL.
DOCUMENT WHICH FOLLOWS REPRESENTS AMALGAM OF BRITISH
AND US PAPERS ON SUBJECT. BRITISH IDEAS ARE CONTAINED
IN ALTERNATIVES A AND B AND OUR VIEWS IN ALTERNATIVE C.
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GENERAL CONSIDERATIONS SECTION IS LARGELY BRITISH AND
LEGISLATIVE REQUIREMENTS OURS.

(BEGIN DRAFT)

2. TRANSITIONAL ADMINISTRATIVE AUTHORITY FOR NAMIBIA
GENERAL CONSIDERATIONS

(1.) THE TRANSITIONAL ADMINISTRATIVE AUTHORITY (TAA) SHOULD NOT BE THE TURNHALLE BY ANOTHER NAME. THE BEST WAY TO ACHIEVE THIS WOULD BE TO HAVE A TAA MADE UP OF TECHNICALLY-QUALIFIED PEOPLE WHO ARE NON-POLITICAL OR POLITICALLY-NEUTRAL. UNDER THE SAG PLANS THIS MAY NOT BE POSSIBLE, IN WHICH CASE THE COMPOSITION OF THE TAA WILL HAVE TO BE SUFFICIENTLY BROAD TO REMOVE THE TURNHALLE CAST.

(2.) (A) THE TAA SHOULD BE CAPABLE OF HANDLING THE FUNCTIONS ENTRUSTED TO IT EFFECTIVELY AND PEACEFULLY DURING A PERIOD OF RAPID POLITICAL DEVELOPMENT AND THEREFORE PROBABLY OF CONSIDERABLE INTERNAL STRESS DUE TO CHANGE. IT HAS TO BE CAPABLE OF PROMULGATING LAWS AND REGULATIONS IN ORDER TO REMOVE DISCRIMINATION AND TO ENABLE ELECTIONS TO BE ORGANIZED ON A COUNTRY-WIDE BASIS AND ACCESSIBLE TO ALL VOTERS AND POLITICAL GROUPS.

(B) THE TAA MUST BE CAPABLE OF DIRECTING AND CHANGING THE CIVIL SERVICE (WHICH IS AT PRESENT DIVIDED INTO THREE PARTS DEALING WITH THE WHITE, COLORED AND BANTU GROUPS) WITH THE AIM OF REDUCING AS QUICKLY AS POSSIBLE THE ETHNIC DIVISIONS IN THE ADMINISTRATION AND THROUGHOUT THE TERRITORY. THE NUMBER OF MEMBERS APPOINTED TO THE TAA SHOULD BE KEPT TO THE NECESSARY MINIMUM.

(3.) OTHER THAN IN MATTERS RELATING TO DISCRIMINATION AND ELECTIONS, THE EXISTING LAWS SHOULD BE CHANGED AS LITTLE AS POSSIBLE UNTIL A NEW GOVERNMENT HAS BEEN INSTALLED AND CAN APPROVE LEGISLATION OF ITS OWN.

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(4.) (A) THE TAA MUST BE DESIGNED TO SATISFY TO SOME EXTENT THE ASPIRATIONS OF THE LEADERS IN NAMIBIA WHO HAD HOPED TO COME TO POWER UNDER THE PROPOSED "INTERIM GOVERNMENT". IF THEY ARE DRIVEN INTO OPPOSITION, EFFECTIVE CONTROL BY A TAA COULD BE VERY DIFFICULT.

(B) AT THE SAME TIME, PROVISION MUST BE MADE TO MEET THE CONFLICTING ASPIRATIONS OF OTHER POLITICAL GROUPS IN ORDER TO ENLIST THEIR COOPERATION IN THE POLITICAL PROCESS.

(5.) THE ECONOMY, WHICH IS CLOSELY TIED TO AND HIGHLY DEPENDENT UPON THE ECONOMY OF SOUTH AFRICA, MUST BE SUSTAINED AND SHOULD NOT BE INTERFERED WITH IN THE TRANSITIONAL PERIOD.

LEGISLATIVE REQUIREMENTS

(6.) THE SOUTH AFRICAN GOVERNMENT SHOULD SUBMIT TO PARLIAMENT DURING THE CURRENT SESSION ENABLING LEGISLATION AUTHORIZING THE STATE PRESIDENT TO MAKE THE NECESSARY TRANSITIONAL ADMINISTRATIVE ARRANGEMENTS IN NAMIBIA

TO FACILITATE THE TERRITORY ACHIEVING INDEPENDENCE BY
DECEMBER 31, 1978. THIS ENABLING ACT SHOULD BE BRIEF AND
GENERAL AND NOT TRY TO PRESCRIBE WHAT THE STRUCTURE AND
NATURE OF THE TRANSITIONAL ADMINISTRATIVE ARRANGEMENTS
SHOULD BE.

(7.) THE FIVE POWERS SHOULD REACH AN UNDERSTANDING
WITH THE SAG ON THE STRUCTURE AND FUNCTIONS OF THE TAA
BEFORE THE STATE PRESIDENT ESTABLISHES THE TAA. THIS
UNDERSTANDING SHOULD EXTEND TO ANY SIGNIFICANT MODIFICA-
TIONS WHICH MIGHT HAVE TO BE MADE IN THE TAA DURING THE
TRANSITIONAL PERIOD.

ALTERNATIVE PROPOSALS

(8.) WE HAVE CONSIDERED THREE POSSIBLE EXAMPLES OF A TAA
RANGING FROM THE MOST POLITICALLY NEUTRAL TO ONE WHICH
TAKES ACCOUNT OF THE ANTICIPATED SOUTH AFRICAN PROPOSAL
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AND TRIES TO MAKE IT INTERNATIONALLY ACCEPTABLE.

(9.) ALTERNATIVE A: AN ADMINISTERING COUNCIL FORMED OF
SENIOR CIVIL SERVANTS SHOULD BE SET UP UNDER A CHAIRMAN
APPOINTED BY THE SOUTH AFRICAN GOVERNMENT. THEY WOULD CARRY
ON THE ADMINISTRATION OF THE TERRITORY AND ADVISE THE SOUTH
AFRICAN GOVERNMENT OF ANY CHANGES IN LEGISLATION AND
REGULATIONS NECESSARY TO SATISFY THE SPECIAL REQUIREMENTS
OF THE UN SPECIAL REPRESENTATIVE. THE NECESSARY LEGISLATIVE
CHANGES WOULD BE MADE UNDER PRESIDENTIAL DECREE FROM
PRETORIA.

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C O N F I D E N T I A L SECTION 2 OF 2 CAPE TOWN 0888

(10.) ALTERNATIVE B: THE NECESSARY NUMBER OF TECHNICAL OR ADMINISTRATIVELY QUALIFIED PERSONS FROM OUTSIDE THE CIVIL SERVICE WOULD BE APPOINTED TO FORM A "CABINET OF ALL THE TALENTS" UNDER A CHAIRMAN APPOINTED BY THE SOUTH AFRICAN GOVERNMENT. SO FAR AS POSSIBLE THE PERSONS SELECTED WOULD BE PEOPLE WHO DID NOT INTEND TO CONTEST THE SUBSEQUENT ELECTION.

(11.) ALTERNATIVE C:

(A) THE PRINCIPAL ELEMENTS WOULD BE: AN ADMINISTRATOR, A TRANSITIONAL ADMINISTRATIVE COUNCIL, AND A MANAGEMENT COMMITTEE OF THE COUNCIL.

(B) FOR ADMINISTRATOR IT WOULD BE PREFERABLE TO HAVE A CONFIDENTIAL

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HIGHLY RESPECTED SOUTH AFRICAN THAN A NAMIBIAN RESIDENT. THE APPOINTMENT OF A SOUTH AFRICAN ADMINISTRATOR WOULD EMPHASIZE THE ADMINISTRATIVE RESPONSIBILITY OF THE SAG DURING THE TRANSITIONAL PERIOD. A NAMIBIAN WOULD RAISE SERIOUS PROBLEMS OF CHOICE BETWEEN FACTIONS, OBJECTIVITY, ETC. WERE THE SAG TO BE WILLING TO APPOINT A QUALIFIED THIRD COUNTRY NATIONAL AS ITS AGENT, THIS SHOULD BE ENCOURAGED.

(C) IF, AS IS PROBABLE, THE SAG INSISTS THAT THE TRANSITIONAL ADMINISTRATIVE COUNCIL INCLUDE THE LEADERS OF THE ELEVEN GROUPS REPRESENTED IN THE TURNHALLE, THEY SHOULD BE COUNTERBALANCED BY AN EQUAL NUMBER OF REPRESENTATIVE NAMIBIAN RESIDENTS NOT DIRECTLY ASSOCIATED WITH THE TURNHALLE. THESE COULD INCLUDE REPRESENTATIVES FROM OTHER POLITICAL GROUPS SUCH AS SWAPO, NNC, THE FEDERAL PARTY, AND FROM NON-POLITICAL INTEREST GROUPS, SUCH AS CHURCH, PROFESSIONAL AND BUSINESS ASSOCIATIONS. IN MAKING THE SELECTIONS, THE STATE PRESIDENT SHOULD CONSULT EACH GROUP SO THAT THOSE CHOSEN ARE MUTUALLY ACCEPTABLE.

(D) THE FUNCTIONS OF THE COUNCIL, WHICH THE ADMINISTRATOR WILL CHAIR, WILL BE TO ACT IN THOSE AREAS OF ADMINISTRATION TRANSFERRED BY THE SAG TO NAMIBIAN JURISDICTION FOR THE TRANSITIONAL PERIOD. ITS RESPONSIBILITIES WILL BE LEGISLATIVE AS WELL AS EXECUTIVE, IT BEING UNDERSTOOD THAT ALL LEGISLATIVE MEASURES WOULD REQUIRE COUNTERSIGNATURE BY THE STATE PRESIDENT IN LINE WITH THE SAG'S OVERALL ADMINISTRATIVE RESPONSIBILITY. CHIEF AMONG THE FUNCTIONS TO BE TRANSFERRED TO THE ADMINISTRATOR AND COUNCIL IS RESPONSIBILITY TO PREPARE AND PROMULGATE, IN CONSULTATION WITH THE UN REPRESENTATIVE, ELECTORAL PROCEDURES FOR MEMBERSHIP OF THE CONSTITUENT ASSEMBLY AND SUCH OTHER ELECTIONS OR REFERENDA THAT MAY BE NECESSARY DURING THE TRANSITIONAL PERIOD.

(E) THE MANAGEMENT COMMITTEE SHOULD BE CHOSEN FROM THE ABLEST MEMBERS OF THE COUNCIL. THE SIZE OF THE COMMITTEE (IN THE VICINITY OF 6-9 MEMBERS) SHOULD BE CONFIDENTIAL

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DETERMINED BY THE NUMBER OF SPECIFIC ADMINISTRATIVE FUNCTIONS TO BE TRANSFERRED FROM PRETORIA TO WINDHOEK. EACH COMMITTEE MEMBER MIGHT BE PLACED IN CHARGE OF A PORTFOLIO. UNDER THE CHAIRMANSHIP OF THE ADMINISTRATOR, THE MANAGEMENT COMMITTEE WOULD BE RESPONSIBLE FOR THE DAY-TO-DAY RUNNING OF THE TERRITORY IN THOSE AREAS ALLOCATED TO THE TAA. EVERY EFFORT SHOULD BE MADE TO ACHIEVE BALANCE BETWEEN TURNHALLE AND OTHER POLITICAL GROUPS IN CONSTITUTING THE MANAGEMENT COMMITTEE. (END DRAFT)

3. AT CONCLUSION OF MEETING, BRITISH AMBASSADOR SUGGESTED NEED FOR CONSTITUTIONAL LAWYER TO ACCOMPANY CONTACT GROUP ON NEXT VISIT TO CAPE TOWN. HE PROPOSED THAT BRITISH DELEGATION INCLUDE SUCH A PERSON AND MENTIONED SPECIFICALLY GORDON SMITH WHO IS FAMILIAR WITH NAMIBIAN LEGAL SCENE. I COMMENTED THAT A LAWYER MIGHT BE USEFUL BUT THIS IS MATTER WHICH CONTACT GROUP MIGHT WISH TO CONSIDER FIRST AND SUBMIT VIEWS TO GOVERNMENTS. WE LEFT IT THAT I WOULD CONVEY THIS MESSAGE TO USUN SO THAT CONTACT GROUP COULD ADDRESS QUESTION IN JUNE 2 MEETING.

4. BRAND FOURIE HAS SENT WORD THAT SAG APPROVES OPENING NEXT ROUND OF TALKS ON JUNE 8 (CAPE TOWN 0882). THIS RAISES QUESTION REGARDING ANNOUNCEMENT. I ASSUME SAG WILL WANT TO MAKE IT SIMULTANEOUSLY. REQUEST CONTACT GROUP ALSO ADDRESS THIS ISSUE AT TOMORROW'S MEETING AND PROVIDE GUIDANCE.

5. OTHER FOUR AMBASSADORS WHO SEEM TO BE EXPERIENCING DIFFICULTIES WITH THEIR COMMUNICATIONS HAVE ASKED THAT

TEXT OF PAPER CONTAINED IN PARA 2 ABOVE BE RELAYED TO
THEIR RESPECTIVE FOREIGN OFFICES. WOULD APPRECIATE
BONN, PARIS, LONDON AND OTTAWA DOING THIS AT THE
EARLIEST CONVENIENT OPPORTUNITY.BOWDLER

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